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Cc: [Dew, Wendy](#); [Gautam, Nawodit](#); [Schmit, Ayn](#)
Subject: FOIAs EPA-R8-2014-004627 and EPA-R8-2014-004628
Date: Thursday, April 17, 2014 10:46:10 AM

Dear Mr. Nierychlewski:

This is an update on the EPA's response to your FOIA requests.

First, if you (or any organization you are working on behalf of) are represented by legal counsel in connection with this FOIA request, please forward this email to your counsel, and please ask your counsel to call me so that we can discuss the matter. I ask this to ensure that I comply with my legal ethics requirements concerning communications with persons represented by counsel.

As you may be aware, your FOIA requests overlap in content with several others that are already pending before the Agency. Because there's considerable overlap among the requests, we have combined our search and review efforts as much as possible so as to respond efficiently. Accordingly, we intend to incorporate our response to your requests into our ongoing response to these others, and to use the same search for yours that we are using for them. As with the other requests, because your request seeks voluminous records, and because responding will involve collecting documents from multiple EPA offices across the country, "unusual circumstances" exist so that that EPA's responses to the requests will require significantly more than twenty business days to complete. See 40 C.F.R. §§ 2.104(c) and (d). Our estimate for when our response will be completed is May 30, 2014.

The approach we are following to collecting responsive documents is to employ forensic ediscovery software to search email records for communications (including attachments) that are responsive to a broadly worded set of keywords. The search involved the email of 87 senior management officials with authority over relevant areas of EPA work, as well as staff deemed to have substantial involvement in the investigation. This collection effort has been completed, generating a large set of potentially responsive documents. That set includes correspondence with outside parties as well as internal Agency communications. Within this large set, we have identified what we believe are most of the responsive communications between EPA personnel and outside parties, and have largely finished our review of those documents. Within the next few weeks we hope to be able to release these communications with outside parties to you and other FOIA requesters.

We are still reviewing the larger set of documents potentially responsive to requests for internal EPA communications, and expect that review to continue into early May. This review will also allow us gather any remaining external communications not already produced. After that work is completed we expect to be able to finalize our response to your request. Accordingly, our estimate for completing your response is May 30, 2014.

Please let me know if you have any questions. Thank you.

Michael Boydston
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